

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-22583 – APPLICANT/OWNER: DECATUR IV, LLC

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 5, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.*

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning to a C-1 (Limited Commercial) District on 9.05 acres on the south side of CC 215, approximately 730 feet west of Decatur Boulevard. The property currently consists of an undeveloped parcel that is zoned R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) and is a part of a larger project site area.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the proposed SC (Service Commercial) General Plan designation. The proposed use as a commercial shopping center with offices, restaurants and a financial institution, general are permitted within the proposed C-1 (Limited Commercial) zoning district; therefore, due to the compatibility of this zoning category with the neighboring developments, approval of this request is recommended.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/07/85	The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Density Residential land uses (if residential) with a maximum density of two dwelling units per acre.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan. The site was designated for M (Medium Density Residential) and SC (Service Commercial) land uses.
12/08/97	The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval.
05/24/99	The City Council approved the Centennial Hills Sector Map (GPA-0001-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Centennial Hills Area as described in the Plan.

06/06/01	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z-0018-01) from a Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.
07/24/03	The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site.
10/18/06	The City Council tabled a General Plan Amendment (GPA-14118), Rezoning (ZON-14120), Variance (VAR-14122) and Site Development Plan Review (SDR-14114) that would have created a PCD designation with a PD zoning district to create a residential and commercial master development.
06/06/07	The City Council approved an Extension of Time (EOT-20771) for an approved Rezoning (Z-0018-01). This request extends the Resolution of Intent to C-1 (Limited Commercial) on 3.6 acres of the project site. Staff recommended approval.
08/09/07	<a href="#">The Planning Commission recommended approval of companion items GPA-22584 and SDR-22582 concurrently with this application.</a>  <a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/rts).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no active or pending building permits or business licenses for this site.	

<b><i>Pre-Application Meeting</i></b>	
05/25/07	A pre-application meeting was held and elements of this application were discussed. At this meeting the residential adjacency standard and the pending City Council action on an Extension of Time (EOT-20771) were talked about. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
07/05/07	<p>A neighborhood meeting was held at Los Prados Country Club, 5150 Los Prados Circle. Seventeen members of the public attended. Those in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"> <li>• Access onto Tropical, the neighbors don't want it directly lined up with street to the south;</li> <li>• Ok with route in and out;</li> <li>• They want no parking on Tropical;</li> <li>• Concern about lighting in parking lot not going into residences;</li> <li>• Question of hours for uses and deliveries;</li> <li>• Want 20 feet distance between trees on west side;</li> <li>• Western wall height must be a minimum of 6 feet and a maximum of 8 feet on both sides; and</li> <li>• No lighting on tower facing west or south.</li> </ul>

<b><i>Field Check</i></b>	
06/22/07	The Department of Planning and Development conducted a site visit that found that the site was an undeveloped site consisting of desert vegetation and some trash. It appeared that the site has been used recently by ATV users. There were multiple subdivision directional signs for area developments on-site. The neighboring residential development to the west appeared to be mainly two-story homes along the perimeter of the site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	9.05

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) [Proposed: C-1 (Limited Commercial)]

North	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
South	Single Family, Detached	M (Medium Density Residential)	R-PD8 (Residential Planned Development - 8 Units Per Acre)
East	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units Per Acre)
	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
R-PD (Residential Planned Development) District	X		N *
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>	X		Y **

\* If approved, this action will remove the R-PD (Residential Planned Development) district designation from this site.

\*\* The companion Site Development Plan Review (SDR-22582) outlines a project that meets the threshold that defines a Project of Regional Significance as outlined in the ordinance for average daily trip generation by a commercial development. The applicant has prepared an impact report as required by the Ordinance for referral to the City of North Las Vegas. As of the current date, no response has been received from North Las Vegas.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	n/a	1,586,848 SF	n/a
Min. Lot Width	100 Feet	650 Feet	Y

Min. Setbacks			
• Front	20 Feet	> 20 Feet	Y
• Side	10 Feet	> 10 Feet	Y
• Corner	15 Feet	> 15 Feet	Y
• Rear	20 Feet	> 20 Feet	Y
Min. Distance Between Buildings	n/a	40+ Feet	n/a
Max. Lot Coverage	50 %	28.9%	Y
Max. Building Height	n/a	45 Feet	n/a
Trash Enclosure	Screened and Gated	Screened and Gated	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.08.060, the following residential adjacency standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope – to “Target”	135 Feet	> 135 Feet	Y
3:1 proximity slope – to “Retail Bldg A”	72 Feet	74 Feet	Y
3:1 proximity slope – to “Retail Bldg B & C”	126 Feet	145 Feet	Y
3:1 proximity slope – to Plaza Sign Structure	270 Feet	262 Feet	N *
Adjacent development matching setback	15 Feet	> 15 Feet	Y
Trash Enclosure	50 Feet	> 50 Feet	Y

\* This 90-foot tall plaza signage structure does not meet the standards for residential adjacency as the pinnacle height of 90 feet requires a setback from the adjacent residential property of 270 feet. However, since the project requires a master sign plan and does not impact the residential protection standards of the sign code this freestanding plaza sign structure potentially could be approved as a part of the master sign plan process. A condition has been added to the “if approved” conditions of the companion Site Development Plan Review (SDR-22582) that the structure must be approved as a part of the master sign plan process and if the height and location remain the same then a variance will be required to approve the distance separation to the adjacent residential property, currently only 262 feet away.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre)	2 Units per Acre (R-E) --- 15.49 Units per Acre (R-PD15)	18 Units @ 9.06 Acres (R-E) --- 140 Units @ 9.06 Acres (R-PD15)
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-1 (Limited Commercial)	n/a	n/a

<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential) [Proposed: SC (Service Commercial)]	25 Units per Acre (n/a under proposed SC)	226 Units @ 9.06 Acres (n/a under proposed SC)

***Pursuant to Title 19.10 and 19.12, the following landscaping standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree / 6 Spaces	384 Trees *	> 384 Trees	Y
Buffer: Min. Trees	1 Tree / 30 Linear Feet	94 Trees	> 94 Trees	Y
	1 Tree / 20 Linear Feet	159 Trees	> 159 Trees	Y **
<b>TOTAL</b>		637 Trees	> 637 Trees	Y
Min. Zone Width				
8 Feet @ North - Interior PIL (Adj. to CC 215 ROW)			15 Feet	Y
8 Feet @ West - Interior PIL (Adj. to Residential Zones)			20 Feet	Y
15 Feet @ East - PIL @ ROW (Adj. to N. Decatur Blvd.)			20 Feet	Y
15 Feet @ South - PIL @ ROW (Adj. to W. Tropical Pkwy.)			15 Feet	Y
Wall Height	6 Feet		None Depicted	N ***

\* Parking is provided for 2,522 vehicles, but only 2,302 spaces are uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.

\*\* A condition has been added to the Site Development Plan Review (SDR-22582) that on the technical landscape plan submission, that the landscape plan be revised to reflect adequate spacing of the perimeter trees to comply with the spacing requirements along Tropical Parkway where 20 feet on center is the standard due to the residential property to the south of the project site.

\*\*\* A condition has been added to the Site Development Plan Review (SDR-22582) that a revised site plan must be approved by the Planning Department, prior to the issuance of building permits, which includes the proper notations and detail for the required perimeter wall as outlined in LVMC Title 19.12.075.

***Pursuant to Title 19.04 and 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Regional Mall	458,053 SF	1 Space / 250 SF GFA	1,804 Spaces	29 Spaces	2,478 Spaces	44 Spaces	Y
TOTAL (including handicap)			1,833 Spaces		2,522 Spaces		Y
Loading Spaces	458,053 SF	3 + 1 for ea 100,000 SF over 50,000 SF	7 Spaces		11 Spaces (Plus trailer delivery areas at major retail spaces)		Y

## ANALYSIS

The subject site is located on the Centennial Hills Sector Map of the General Plan. The site is designated as M (Medium Density Residential) under the General Plan. There is a General Plan Amendment (GPA-22584) that, if approved, will change the designation of this parcel to SC (Service Commercial). The proposed designation allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The project proposes to create a commercial shopping center on the 36.43 acre site of which this parcel is a part.

This rezoning proposes to change a portion of the project site's zoning from R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial). The proposed C-1 (Limited Commercial) zoning district is designed to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The proposed uses at this location are permissible in a C-1 (Limited Commercial) zoning district which is compatible with the proposed SC (Service Commercial) General Plan designation.



The site encompasses three parcels with proposed buildings built on or at the lot lines. Additionally, should the parcels in the future become separate developments the site will be placed out of conformance with the development standards for the proposed C-1 (Limited Commercial) zoning district. For this reason a condition has been added to the Site Development Plan Review (SDR-22582) that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

The project site meets the “non-residential project with a site larger than 15 net acres” threshold necessitating a Master Sign Plan. A Master Sign Plan is required for certain types of development in order to allow the Planning Commission and City Council to ensure the appropriate relationships among building elevations, signage and circulation. Larger commercial developments are likely to generate greater impacts on surrounding residential properties than smaller commercial projects. An effective Master Sign Plan encourages integrated signage, with an emphasis on wall signs and central identification signage rather than multiple freestanding signs along the street frontage. Reducing the amount of sign clutter along street frontages allows the customer of the commercial center to readily identify establishments that have the goods and services they seek. A condition has been included as a part of the Site Development Plan Review (SDR-22582) that a Master Sign Plan shall be submitted and approved before any on-premise signage may be installed for this project.

This rezoning has been submitted in conjunction with a proposed General Plan Amendment (GPA-22584) to change the designation to SC (Service Commercial) and Site Development Plan Review (SDR-22582) for a proposed 458,053 square foot commercial shopping center development.

This request is compatible with the existing zoning approvals on the remainder of this project site. Further, uses allowed in the proposed C-1 (Limited Commercial) zoning district are at an intensity that is generally compatible with the single family residential neighborhoods to the south and west of this parcel. Therefore, staff is recommending approval of this rezoning request.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

- 1. “The proposal conforms to the General Plan.”**

The proposed rezoning is in conformance with the proposed SC (Service Commercial) designation under the Centennial Hills Sector Plan of the General Plan. The site’s proposed buildings can accommodate the range of uses identified and is in compliance with the proposed General Plan category.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The proposed rezoning will be compatible with the residential developments in this area. The proposed zoning district is intended to provide a buffer between residential and higher intensity uses allowed in other zoning districts.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors indicate a need for varied activity to locate in this area and a C-1 (Limited Commercial) district is the most appropriate in this area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The subject site is adjacent to North Decatur Boulevard, a 100-foot wide primary arterial street, which should be adequate to support the proposed use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 486 by Planning Department

**APPROVALS** 3

**PROTESTS** 4